



07-CV-05042-ORD

The Honorable Franklin D. Burgess

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

ERNEST BRANIGH, *et al.*

Plaintiffs, : Case No.: C 07-5042 FDB

Order Approving the Settlement

v.

THE UNITED STATES OF AMERICA:

Defendant.

ORDER APPROVING THE SETTLEMENT

This matter is before the Court on the Stipulated Motion for Review and Approval of the Minors' Settlement. The Court has considered the facts of the injuries and damages of the wrongful death beneficiaries, as presented in this and other prior Motions, and has considered the report of the Guardian ad Litem. The Court also notes the absence of any opposition to the instant Motion. Therefore, having considered the Motion, and the reasons therefore, the Court finds that the settlement and the apportionment as proposed in the

ORDER APPROVING THE SETTLEMENT

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1 Motion are in the best interests of the minors, BDB and GCB. As a result, it is,

2 **ORDERED**, that the Plaintiffs' instant Motion for Review and Approval of the
3 Minors' Settlement is **GRANTED**, and it is further

4 **ORDERED**, that the GCB Special Needs Trust is hereby established, and it is further

5 **ORDERED**, that the BDB Special Needs Trust is hereby established, and it is further

6 **ORDERED**, that the settlement amount of \$3,025,000 is approved; and it is further

7 **ORDERED**, that the settlement is to be paid to an escrow account established by the

8 Plaintiff attorneys, and then distributed by the Plaintiff attorneys as follows:

- 9 a. \$792,883 to Ernest Branigh, \$300,000 of which is for the
10 purpose of purchasing a family home;
- 11 b. \$630,947 to the BDB Special Needs Trust;
- 12 c. \$630,947 to the GCB Special Needs Trust;
- 13 d. \$756,250 to attorneys for the Plaintiffs for attorney's fee;
- 14 e. \$165,101 to attorneys for the Plaintiffs for recovery of litigation
15 costs advanced to the Plaintiffs;
- 16 f. \$43,375 to the Guardian ad Litem for attorney's fee;
- 17 g. \$1,285 to the Guardian ad Litem for recovery of litigation costs
18 advanced to the minors;
- 19 h. \$4212 to Barbara Isenhour for trust instrument fees; and it is
20 further

21 **ORDERED**, that the attorneys for the Plaintiffs shall file the special needs trusts in
22 the appropriate superior court, for the sole purpose that the court provide ongoing

ORDER APPROVING THE SETTLEMENT

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1 supervision of each trust. The attorneys for the Plaintiffs shall have each trust executed on
2 behalf of the minors, filed with the appropriate superior court, and funded pursuant to this
3 Order.

4 Dated this 5 day of Sept, 2008.

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6 Franklin D. Burgess, United States District Judge

7 Presented by: /s/
8 Edward L. Norwind, Esq.
9 Murray D. Scheel, Esq.

10 *Attorneys for the Plaintiffs*

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ORDER APPROVING THE SETTLEMENT

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Stipulated Motion for Review and Approval of the Minors' Settlement and proposed Order were sent via e-filing this 3rd day of September, 2008 to:

Peter Wynn, Esq.
Assistant United States Attorney for the
Western District of Washington
700 Stewart Street
Suite 5220
Seattle, WA 98101-1271

Respectfully submitted,

**KARP, FROSH, LAPIDUS, WIGODSKY
& NORWIND, P.A.**

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Attorneys for Plaintiffs

**STIPULATED MOTION TO CONVERT THE
HEARING ON THE MOTION TO COMPEL TO A
HEARING FOR REVIEW AND APPROVAL OF THE
MINORS' SETTLEMENT -
CERTIFICATE OF SERVICE**

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